

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:13-00112

JODY LOWELL SOWDER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On May 17, 2017, the United States of America appeared by Timothy D. Boggess, Assistant United States Attorney, and the defendant, Jody Lowell Sowder, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Asa M. Gravley. The defendant commenced a three-year term of supervised release in this action on June 25, 2015, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on September 16, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted on September 14, 2016, for cocaine and opiates, the defendant having admitted to the probation officer that he ingested cocaine and hydrocodone; his admission to the probation officer on October 20, 2016, that he used marijuana on October 17, 2016; his admission to the probation officer on October 18, 2016, that he nasally inhaled Adderall and Roxicodone; a positive urine specimen received from the lab on October 31, 2016, for amphetamine, methamphetamine, hydrocodone, morphine and marijuana; a positive urine specimen submitted by him on October 24, 2016, for opiates and his admission to the probation officer that he ingested heroin on October 22, 2016; his admission to the probation officer on November 7, 2016, that he ingested Suboxone on November 4 and 5, 2016; his admission to the probation officer on November 17, 2016, that he used heroin on November 16, 2016; a positive urine specimen submitted by him on January 12, 2017, for amphetamine and methamphetamine; and a positive urine specimen submitted by him on April 17, 2017, for amphetamine and methamphetamine; (2)

the defendant failed to file a monthly report since December 2015, with the exception of March 2016; (3) the defendant failed to report to the probation officer as directed on October 3 and 17, 2016, and March 6 and 15, 2017; (4) the defendant failed to work at a lawful occupation since commencing supervised release on June 25, 2015; (5) the defendant failed to notify the probation officer of his change in residence as more fully set forth in Violation No. 5, rendering his whereabouts unknown; (6) the defendant failed to appear for outpatient substance abuse counseling as directed on November 30, 2015, February 11 and August 8, 2016; and (7) the defendant failed to appear for random urinalysis as directed on November 11 and 15, 2016; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, to be followed by a term of twenty-eight (28) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that he spend a period of not less than 90 days nor more than 120 days in the inpatient substance abuse residential program at Pinecrest in Huntington, West Virginia, where he shall follow the rules and regulations of the facility, and participate in substance abuse and mental health counseling and treatment as directed by the probation officer, after which time the defendant shall transition into a sober living facility in or near Huntington to be designated by the probation officer where he shall reside for a period of not

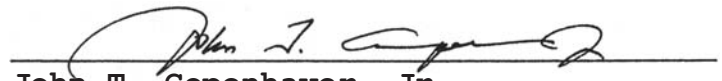
less than six months. The defendant shall also participate in NA/AA meetings.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to FMC Lexington and be afforded access to GED classes.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 30, 2017


John T. Copenhaver, Jr.
United States District Judge